


COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY PROGRAMS
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SUBJECT: Guidance Memo No. 05-2004
EPA Review of VPDES Permits for 2005

TO: Regional Directors

FROM: Ellen Gilinsky, Ph.D., Director 

DATE: April 7, 2005

COPIES: Mark Smith - EPA III, Water Permit Managers, Enforcement/Compliance Managers,
Allan Brockenbrough, George Cosby

Summary:

The purpose of this guidance is to provide a 2005 list of major permits for which we have negotiated a shortened EPA review period, to summarize the EPA review period agreement as it currently exists, and to provide information on where in DEQNET to find annually negotiated lists in the future.

Electronic Copy:

An electronic copy of this guidance in PDF format is available for staff internally on DEQNET and for the general public on DEQ's website at: <http://www.deq.virginia.gov>

Contact information:

Please contact Mike Gregory, Office of Water Permit Programs, (804) 698-4065 or mbgregory@deq.virginia.gov if you have any questions about this guidance.

Disclaimer:

This document is provided as guidance and, as such, sets forth standard operating procedures for the agency. However, it does not mandate any particular method nor does it prohibit any particular method for the analysis of data, establishment of a wasteload allocation, or establishment of a permit limit. If alternative proposals are made, such proposals should be reviewed and accepted or denied based on their technical adequacy and compliance with appropriate laws and regulations.

EPA Review of Major VPDES Permits

Guidance Memorandum 01-2027 dated December 4, 2001 is the first in a series of guidance documents on the subject of reduced EPA review periods. It provides background and information on implementing permit check sheets to facilitate EPA review of VPDES permits. With the use of the check sheets, EPA agreed to reduced review periods for certain major permits. EPA review of TMDL minors is also discussed in these guidance memos. The guidance indicates that the list of major permits with reduced review periods will be re-negotiated each year. Addendum I to 01-2027 provided the list of majors for 2003, and Guidance Memorandum 04-2008 provided the list for 2004.

In this latest guidance the list of major permit review periods for 2005 is presented and the EPA review period procedures are summarized again. Note that there has been a change in the criteria for choosing which TMDL minor permits to send to EPA for review (see last bullet below).

Rather than continuing to write new guidance each year, OWPP will post the negotiated majors list on DEQNET in a "EPA REVIEW PERIODS" folder under VPDES Permits beginning this year at http://deqnet/docs/default.asp?path=../main/water/Water_permit/VPDES_Permit_Program/EPA_REVIEW_PERIODS

This year's list is already posted, and is also included at the end of this document. New guidance will only be written if the procedures change.

Currently, the procedures are:

- Use the permit check sheet and attach it to the fact sheet if sending a hard copy, or as a separate attachment if transmitting electronically, when sending a draft permit to EPA for review.
- The major permits on the annual list that are marked for a 30 day review get an in-depth 30 day review by EPA and will be handled as always.
- For the major permits marked for a 3 day review, send the package to EPA and proceed with permit reissuance. There is no need to wait for EPA comments before proceeding with processing. Eventually we should get an email documentation of EPA review that will be forwarded to the region. If you don't get it and need documentation for your file contact OWPP.
- All new major permits (issuances) get a full 30 day review.
- All modifications get a 3 day review.
- For TMDL minors that EPA has been reviewing, specific permits will not be listed. EPA wants to review minor permits only if they include a TMDL based effluent limit.

If the region desires a more in-depth review by EPA for a particular 3 day permit we can specifically request this of EPA.

The 2005 list follows. The permit check sheet to be included with the draft permit for EPA review is also attached and will be posted to the same folder on DEQNET.

EPA REVIEW OF MAJOR PERMITS - 2005

Facility Name	Permit No	Mun/Ind	RO	Expiration	Review Period (3 or 30 Days)
Virginia Power - North Anna	VA0052451	Industrial	NVRO	01/11/06	30
Orange Town Sewage Treatment Plant	VA0021385	Municipal	NVRO	02/12/06	30
Wilderness Wastewater Treatment Plant	VA0083411	Municipal	NVRO	03/09/06	30
Honeywell Nylon LLC - Chesterfield	VA0005312	Industrial	PRO	04/25/05	3
South Central Wastewater Authority WWTF	VA0025437	Municipal	PRO	05/05/05	3
Henrico County WWTP	VA0063690	Municipal	PRO	12/01/05	30
RJ Reynolds Tobacco Company - Hamner Division	VA0002780	Industrial	PRO	12/06/05	30
Dan River Inc - Schoolfield	VA0001261	Industrial	SCRO	05/06/05	30
Old Dominion Electric Cooperative Clover	VA0083097	Industrial	SCRO	12/27/05	30
American Electric Power - Clinch River Plant	VA0001015	Industrial	SWRO	06/04/05	30
Buchanan Cnty PSA - Conaway WWTP	VA0090531	Municipal	SWRO	10/06/05	3
BASF Corporation - Portsmouth	VA0003387	Industrial	TRO	04/19/05	3
HRSD - Army Base Sewage Treatment Plant	VA0081230	Municipal	TRO	08/03/05	3
HRSD - Atlantic Sewage Treatment Plant	VA0081248	Municipal	TRO	08/03/05	3
HRSD - Boat Harbor Sewage Treatment Plant	VA0081256	Municipal	TRO	08/03/05	3
HRSD - James River Sewage Treatment Plant	VA0081272	Municipal	TRO	08/03/05	30
HRSD - Williamsburg Sewage Treatment Plant	VA0081302	Municipal	TRO	08/03/05	3
HRSD - York River Sewage Treatment Plant	VA0081311	Municipal	TRO	08/03/05	3
HRSD - Virginia Initiative	VA0081281	Municipal	TRO	08/06/05	30
US Navy - Norfolk Naval Base - Sewells Point	VA0004421	Industrial	TRO	08/07/05	30
Dominion Virginia Power - Chesapeake	VA0004081	Industrial	TRO	12/05/05	30
Dominion - Yorktown	VA0004103	Industrial	TRO	03/02/06	30
ACSA Stuarts Draft WWTP	VA0066877	Municipal	VRO	04/14/05	3
Dominion - Bremo Power Station	VA0004138	Industrial	VRO	08/06/05	30
Massanutten Public Service STP	VA0024732	Municipal	VRO	11/20/05	30
Opequon Water Reclamation Facility	VA0065552	Municipal	VRO	02/11/06	3
Luray STP	VA0062642	Municipal	VRO	03/31/06	3
Radford Army Ammunition Plant	VA0000248	Industrial	WCRO	04/28/05	3
Georgia Pacific Corp - Big Island Mill	VA0003026	Industrial	WCRO	06/29/05	30
Christiansburg Town - STP	VA0061751	Municipal	WCRO	09/25/05	3
Henry Co PSA Lower Smith River STP	VA0069345	Municipal	WCRO	12/01/05	3

Notes | List prepared in accordance with Guidance Memorandum 05-2004.
Please attach EPA Review Checklist to draft permits submitted to EPA for review.

Part I. State Draft Permit Submission Checklist

In accordance with the MOA established between the Commonwealth of Virginia and the United States Environmental Protection Agency, Region III, the Commonwealth submits the following draft National Pollutant Discharge Elimination System (NPDES) permit for Agency review and concurrence.

Facility Name: _____

NPDES Permit Number: _____

Permit Writer Name: _____

Date: _____

Major []

Minor []

Industrial []

Municipal []

I.A. Draft Permit Package Submittal Includes:

	Yes	No	N/A
1. Permit Application?			
2. Complete Draft Permit (for renewal or first time permit – entire permit, including boilerplate information)?			
3. Copy of Public Notice?		X	
4. Complete Fact Sheet?			
5. A Priority Pollutant Screening to determine parameters of concern?			
6. A Reasonable Potential analysis showing calculated WQBELs?			
7. Dissolved Oxygen calculations?			
8. Whole Effluent Toxicity Test summary and analysis?			
9. Permit Rating Sheet for new or modified industrial facilities?			

I.B. Permit/Facility Characteristics

	Yes	No	N/A
1. Is this a new, or currently unpermitted facility?			
2. Are all permissible outfalls (including combined sewer overflow points, non-process water and storm water) from the facility properly identified and authorized in the permit?			
3. Does the fact sheet or permit contain a description of the wastewater treatment process?			
4. Does the review of PCS/DMR data for at least the last 3 years indicate significant non-compliance with the existing permit?			
5. Has there been any change in streamflow characteristics since the last permit was developed?			
6. Does the permit allow the discharge of new or increased loadings of any pollutants?			

I.B. Permit/Facility Characteristics – cont.	Yes	No	N/A
7. Does the fact sheet or permit provide a description of the receiving water body(s) to which the facility discharges, including information on low/critical flow conditions and designated/existing uses?			
8. Does the facility discharge to a 303(d) listed water?			
a. Has a TMDL been developed and approved by EPA for the impaired water?			
b. Does the record indicate that the TMDL development is on the State priority list and will most likely be developed within the life of the permit?			
c. Does the facility discharge a pollutant of concern identified in the TMDL or 303(d) listed water?			
9. Have any limits been removed, or are any limits less stringent, than those in the current permit?			
10. Does the permit authorize discharges of storm water?			
11. Has the facility substantially enlarged or altered its operation or substantially increased its flow or production?			
12. Are there any production-based, technology-based effluent limits in the permit?			
13. Do any water quality-based effluent limit calculations differ from the State's standard policies or procedures?			
14. Are any WQBELs based on an interpretation of narrative criteria?			
15. Does the permit incorporate any variances or other exceptions to the State's standards or regulations?			
16. Does the permit contain a compliance schedule for any limit or condition?			
17. Is there a potential impact to endangered/threatened species or their habitat by the facility's discharge(s)?			
18. Have impacts from the discharge(s) at downstream potable water supplies been evaluated?			
19. Is there any indication that there is significant public interest in the permit action proposed for this facility?			
20. Have previous permit, application, and fact sheet been examined?			

Part II. NPDES Draft Permit Checklist

Region III NPDES Permit Quality Checklist – for POTWs (To be completed and included in the record only for POTWs)

II.A. Permit Cover Page/Administration	Yes	No	N/A
1. Does the fact sheet or permit describe the physical location of the facility, including latitude and longitude (not necessarily on permit cover page)?			
2. Does the permit contain specific authorization-to-discharge information (from where to where, by whom)?			

II.B. Effluent Limits – General Elements	Yes	No	N/A
1. Does the fact sheet describe the basis of final limits in the permit (e.g., that a comparison of technology and water quality-based limits was performed, and the most stringent limit selected)?			
2. Does the fact sheet discuss whether “antibacksliding” provisions were met for any limits that are less stringent than those in the previous NPDES permit?			

II.C. Technology-Based Effluent Limits (POTWs)	Yes	No	N/A
1. Does the permit contain numeric limits for <u>ALL</u> of the following: BOD (or alternative, e.g., CBOD, COD, TOC), TSS, and pH?			
2. Does the permit require at least 85% removal for BOD (or BOD alternative) and TSS (or 65% for equivalent to secondary) consistent with 40 CFR Part 133?			
a. If no, does the record indicate that application of WQBELs, or some other means, results in more stringent requirements than 85% removal or that an exception consistent with 40 CFR 133.103 has been approved?			
3. Are technology-based permit limits expressed in the appropriate units of measure (e.g., concentration, mass, SU)?			
4. Are permit limits for BOD and TSS expressed in terms of both long term (e.g., average monthly) and short term (e.g., average weekly) limits?			
5. Are any concentration limitations in the permit less stringent than the secondary treatment requirements (30 mg/l BOD5 and TSS for a 30-day average and 45 mg/l BOD5 and TSS for a 7-day average)?			
a. If yes, does the record provide a justification (e.g., waste stabilization pond, trickling filter, etc.) for the alternate limitations?			

II.D. Water Quality-Based Effluent Limits	Yes	No	N/A
1. Does the permit include appropriate limitations consistent with 40 CFR 122.44(d) covering State narrative and numeric criteria for water quality?			
2. Does the fact sheet indicate that any WQBELs were derived from a completed and EPA approved TMDL?			
3. Does the fact sheet provide effluent characteristics for each outfall?			

II.D. Water Quality-Based Effluent Limits – cont.	Yes	No	N/A
4. Does the fact sheet document that a “reasonable potential” evaluation was performed?			
a. If yes, does the fact sheet indicate that the “reasonable potential” evaluation was performed in accordance with the State’s approved procedures?			
b. Does the fact sheet describe the basis for allowing or disallowing in-stream dilution or a mixing zone?			
c. Does the fact sheet present WLA calculation procedures for all pollutants that were found to have “reasonable potential”?			
d. Does the fact sheet indicate that the “reasonable potential” and WLA calculations accounted for contributions from upstream sources (i.e., do calculations include ambient/background concentrations)?			
e. Does the permit contain numeric effluent limits for all pollutants for which “reasonable potential” was determined?			
5. Are all final WQBELs in the permit consistent with the justification and/or documentation provided in the fact sheet?			
6. For all final WQBELs, are BOTH long-term AND short-term effluent limits established?			
7. Are WQBELs expressed in the permit using appropriate units of measure (e.g., mass, concentration)?			
8. Does the record indicate that an “antidegradation” review was performed in accordance with the State’s approved antidegradation policy?			

II.E. Monitoring and Reporting Requirements	Yes	No	N/A
1. Does the permit require at least annual monitoring for all limited parameters and other monitoring as required by State and Federal regulations?			
a. If no, does the fact sheet indicate that the facility applied for and was granted a monitoring waiver, AND, does the permit specifically incorporate this waiver?			
2. Does the permit identify the physical location where monitoring is to be performed for each outfall?			
3. Does the permit require at least annual influent monitoring for BOD (or BOD alternative) and TSS to assess compliance with applicable percent removal requirements?			
4. Does the permit require testing for Whole Effluent Toxicity?			

II.F. Special Conditions	Yes	No	N/A
1. Does the permit include appropriate biosolids use/disposal requirements?			
2. Does the permit include appropriate storm water program requirements?			
3. If the permit contains compliance schedule(s), are they consistent with statutory and regulatory deadlines and requirements?			
4. Are other special conditions (e.g., ambient sampling, mixing studies, TIE/TRE, BMPs, special studies) consistent with CWA and NPDES regulations?			

II.F. Special Conditions – cont.	Yes	No	N/A
5. Does the permit allow/authorize discharge of sanitary sewage from points other than the POTW outfall(s) or CSO outfalls [i.e., Sanitary Sewer Overflows (SSOs) or treatment plant bypasses]?			
6. Does the permit authorize discharges from Combined Sewer Overflows (CSOs)?			
a. Does the permit require implementation of the “Nine Minimum Controls”?			
b. Does the permit require development and implementation of a “Long Term Control Plan”?			
c. Does the permit require monitoring and reporting for CSO events?			
7. Does the permit include appropriate Pretreatment Program requirements?			

II.G. Standard Conditions	Yes	No	N/A
1. Does the permit contain all 40 CFR 122.41 standard conditions or the State equivalent (or more stringent) conditions?			
List of Standard Conditions – 40 CFR 122.41			
Duty to comply	Property rights	Reporting Requirements	
Duty to reapply	Duty to provide information	Planned change	
Need to halt or reduce activity	Inspections and entry	Anticipated noncompliance	
not a defense	Monitoring and records	Transfers	
Duty to mitigate	Signatory requirement	Monitoring reports	
Proper O & M	Bypass	Compliance schedules	
Permit actions	Upset	24-Hour reporting	
		Other non-compliance	
2. Does the permit contain the additional standard condition (or the State equivalent or more stringent conditions) for POTWs regarding notification of new introduction of pollutants and new industrial users [40 CFR 122.42(b)]?			

Part II. NPDES Draft Permit Checklist

Region III NPDES Permit Quality Review Checklist – For Non-Municipals (To be completed and included in the record for all non-POTWs)

II.A. Permit Cover Page/Administration	Yes	No	N/A
1. Does the fact sheet or permit describe the physical location of the facility, including latitude and longitude (not necessarily on permit cover page)?			
2. Does the permit contain specific authorization-to-discharge information (from where to where, by whom)?			

II.B. Effluent Limits – General Elements	Yes	No	N/A
1. Does the fact sheet describe the basis of final limits in the permit (e.g., that a comparison of technology and water quality-based limits was performed, and the most stringent limit selected)?			
2. Does the fact sheet discuss whether “antibacksliding” provisions were met for any limits that are less stringent than those in the previous NPDES permit?			

II.C. Technology-Based Effluent Limits (Effluent Guidelines & BPJ)	Yes	No	N/A
1. Is the facility subject to a national effluent limitations guideline (ELG)?			
a. If yes, does the record adequately document the categorization process, including an evaluation of whether the facility is a new source or an existing source?			
b. If no, does the record indicate that a technology-based analysis based on Best Professional Judgement (BPJ) was used for all pollutants of concern discharged at treatable concentrations?			
2. For all limits developed based on BPJ, does the record indicate that the limits are consistent with the criteria established at 40 CFR 125.3(d)?			
3. Does the fact sheet adequately document the calculations used to develop both ELG and /or BPJ technology-based effluent limits?			
4. For all limits that are based on production or flow, does the record indicate that the calculations are based on a “reasonable measure of ACTUAL production” for the facility (not design)?			
5. Does the permit contain “tiered” limits that reflect projected increases in production or flow?			
a. If yes, does the permit require the facility to notify the permitting authority when alternate levels of production or flow are attained?			
6. Are technology-based permit limits expressed in appropriate units of measure (e.g., concentration, mass, SU)?			
7. Are all technology-based limits expressed in terms of both maximum daily, weekly average, and/or monthly average limits?			
8. Are any final limits less stringent than required by applicable effluent limitations guidelines or BPJ?			

II.D. Water Quality-Based Effluent Limits	Yes	No	N/A
1. Does the permit include appropriate limitations consistent with 40 CFR 122.44(d) covering State narrative and numeric criteria for water quality?			
2. Does the record indicate that any WQBELs were derived from a completed and EPA approved TMDL?			
3. Does the fact sheet provide effluent characteristics for each outfall?			
4. Does the fact sheet document that a “reasonable potential” evaluation was performed?			
a. If yes, does the fact sheet indicate that the “reasonable potential” evaluation was performed in accordance with the State’s approved procedures?			
b. Does the fact sheet describe the basis for allowing or disallowing in-stream dilution or a mixing zone?			
c. Does the fact sheet present WLA calculation procedures for all pollutants that were found to have “reasonable potential”?			
d. Does the fact sheet indicate that the “reasonable potential” and WLA calculations accounted for contributions from upstream sources (i.e., do calculations include ambient/background concentrations where data are available)?			
e. Does the permit contain numeric effluent limits for all pollutants for which “reasonable potential” was determined?			
5. Are all final WQBELs in the permit consistent with the justification and/or documentation provided in the fact sheet?			
6. For all final WQBELs, are BOTH long-term (e.g., average monthly) AND short-term (e.g., maximum daily, weekly average, instantaneous) effluent limits established?			
7. Are WQBELs expressed in the permit using appropriate units of measure (e.g., mass, concentration)?			
8. Does the fact sheet indicate that an “antidegradation” review was performed in accordance with the State’s approved antidegradation policy?			

II.E. Monitoring and Reporting Requirements	Yes	No	N/A
1. Does the permit require at least annual monitoring for all limited parameters?			
a. If no, does the fact sheet indicate that the facility applied for and was granted a monitoring waiver, AND, does the permit specifically incorporate this waiver?			
2. Does the permit identify the physical location where monitoring is to be performed for each outfall?			
3. Does the permit require testing for Whole Effluent Toxicity in accordance with the State’s standard practices?			

II.F. Special Conditions	Yes	No	N/A
1. Does the permit require development and implementation of a Best Management Practices (BMP) plan or site-specific BMPs?			
a. If yes, does the permit adequately incorporate and require compliance with the BMPs?			
2. If the permit contains compliance schedule(s), are they consistent with statutory and regulatory deadlines and requirements?			
3. Are other special conditions (e.g., ambient sampling, mixing studies, TIE/TRE, BMPs, special studies) consistent with CWA and NPDES regulations?			

II.G. Standard Conditions	Yes	No	N/A
1. Does the permit contain all 40 CFR 122.41 standard conditions or the State equivalent (or more stringent) conditions?			
List of Standard Conditions – 40 CFR 122.41			
Duty to comply	Property rights	Reporting Requirements	
Duty to reapply	Duty to provide information	Planned change	
Need to halt or reduce activity	Inspections and entry	Anticipated noncompliance	
not a defense	Monitoring and records	Transfers	
Duty to mitigate	Signatory requirement	Monitoring reports	
Proper O & M	Bypass	Compliance schedules	
Permit actions	Upset	24-Hour reporting	
		Other non-compliance	
2. Does the permit contain the additional standard condition (or the State equivalent or more stringent conditions) for existing non-municipal dischargers regarding pollutant notification levels [40 CFR 122.42(a)]?			

Part III. Signature Page

Based on a review of the data and other information submitted by the permit applicant, and the draft permit and other administrative records generated by the Department/Division and/or made available to the Department/Division, the information provided on this checklist is accurate and complete, to the best of my knowledge.

Name	_____
Title	_____
Signature	_____
Date	_____